IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

Crl.MC.No. 624 of 2007(Y)

F.I.R IN CRIME NO.624 OF 2007 OF KALAMASSERRY POLICE STATION
PENDING BEFORE THE J.F.C.M, ALUVA

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PETITIONER:

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1. BARRINGTON ANTONY A.R., AGED 30 YEARS,
S/O.A.R.BABU ANANTHAKRISHNAN, 5/874,
KALATHINKUNNU, KACHERI VILLAGE,KOZHIKODE TALUK,
NOW RESIDING AT DOOR NO.41/1576,ARCRA/145,
ARANGATH ROAD,PULLEPADY,ERNAKULAM NORTH P.O.
ERNAKULAM DISTRICT.

2. TANGERINE A.K., AGED 51 YEARS,
W/O.A.R.BABU ANANTHAKRISHNAN,5/874,
KALATHINKUNNU,,KOZHIKODE TALUK,,KOZHIKODE DISTRICT
NOW RESIDING AT C/O.LESTER D'SLVA,NO.43,
SEVEN WELL STREET, CHENNAI-1.

3. TAMMY A.K., AGED 32 YEARS,
D/O..A.R.BABU ANANTHAKRISHNAN,5/874,
KALATHINKUNNU,,KOZHIKODE TALUK,,KOZHIKODE DISTRICT
NOW RESIDING AT C/O.LESTER D'SLVA,NO.43,
SEVEN WELL STREET, CHENNAI-1.

BY ADV. SRI.O.RAMACHANDRAN NAMBIAR
SRI.K.S.BABU
SMT.N.SUDHA
SRI.K.S.GOPI
SRI.A.STHOMAS SMITH
SRI.GEEN T.MATHEW

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECOTR OF POLICE,
OFFICE OF THE SUB INSEPCOTR OF POLICE,
KALAMASSERRY POLICE STATION,
KALAMASSERRY.

3. SARITHA BARRINGTON, AGED 25 YEARS,
W/O.BARRINGTON ANTONY A.R.,
DOOR NO.41/1576,ARCRA/145,
ARANGATH ROAD, PULLEPADY,
ERNAKULAM NORTH P.O., COCHIN-682 018.
ERNAKULAM DISTRICT.

BY ADV. SRI.ANTONY MATHEW
PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.No.624 of 2007

Dated this the 12th day of March, 2007

ORDER

The petitioners are the accused in a crime registered under Section 498 A read with 34 I.P.C of Kalamassery Police Station. The said crime has been registered on the basis of a complaint filed by the 3rd respondent herein. The 1st accused/1st petitioner is the husband of the 3rd respondent. 2nd and 3rd petitioners/accused are the mother-in-law and sister-in-law respectively of the 3rd respondent. Investigation is in progress. The petitioners have come to this Court with a prayer that powers under Section 482 Cr.P.C may be invoked and registration of the F.I.R and further proceedings thereon may be quashed.

2. What is the reason ? The petitioners submit that subsequent to the filing of the F.I.R, the matter has been settled between the parties and the 1st petitioner and the 3rd respondent have resumed harmonious co-habitation. Continuance of the investigation into the crime registered at the instance of the 3rd respondent against the petitioners is remaining unnecessary irritant in the harmonious relationship between the spouses. In a fit of urge the 3rd respondent has filed the complaint. She has no grievance now at all. In these circumstances, it is prayed that the F.I.R may be quashed and the

parties may be saved of the trauma of further proceedings on the basis of the said final report.

3. The 3rd respondent has entered appearance. She confirms the harmonious settlement and the resumption of co-habitation. To satisfy the Court about such settlement of the disputes and composition of the offence by the 3rd respondent, they have filed a joint application duly signed by all the 3 petitioners and the 3rd respondent and counter signed by their respective counsel. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor also confirms that the police has specified that the matter has been settled amicably between the parties.

4. All the offences under Section 498 A I.P.C is not compoundable. I am satisfied, if the offence were compoundable and the further proceedings deserves to be quashed as also convinced that the parties have harmoniously settled their disputes. The counsel point out that the decision in **B.S.Joshy v. State of Haryana** [A.I.R (2003) S.C 1386] must come to their rescue in the given situation. The interests of justice may at times transcend the interests of mere law and under compelling circumstances, the powers under Section 482 Cr.P.C are wide enough in its sweep to be invoked in favour of the premature termination of unnecessary proceedings against the

petitioners, it is submitted. I accept the said submission. This, I am satisfied, is an eminently fit case where such jurisdiction ought to be invoked and the parties saved of the unnecessary and traumatic continuation of the proceedings against them.

5. This Crl.M.C is, in these circumstances, allowed. Crime No.4 of 2007 of Kalamassery Police Station and all further proceedings taken in pursuance of the crime registered are hereby quashed.

(R.BASANT, JUDGE)

rtr/-